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DOCKET

08-AFC-2

DATE 09/21/09

RECD. 09/28/09

September 21, 2009

California Energy Commission
c/o Eric Solorio [ESolorio@energy.state.ca.us]

Re: Beacon Solar Energy Project Docket #08-AFC-02/Beacon Solar, LLC. ("Beacon")

Mr. Solorio:

I am Vice President and General Counsel to Envirowater Management, Inc. the managing member of Envirowater, LLC. "Envirowater" has a joint venture plus purchase and sale agreement with the "Arciero Family" for 4,815 acres of land, water and minerals adjacent to the 2,012 acre Beacon Solar LLC. project; and shares with the Rudnick Family the mineral and water reservations under the "Beacon" lands. I am authorized to send this letter by those entities and the owners of those lands in Fremont Valley, California.

The Beacon site, and off site impacted areas: (a) straddle environmentally sensitive waters of the state and nation, FEMA flood channels, and valuable water rights owned by others which are protected by law, and (b) contains environmentally sensitive species of plants, animals, insects and birds.

I have reviewed the Beacon "AFC" docket and monitored the hearings. The record demonstrates that: (a) the Beacon project will adversely impact those environmentally sensitive areas, (b) with no proper mitigation available from Beacon, (c) those mineral and water rights were reserved by members of the Arciero and Rudnick families, (d) without the full cooperation of Envirowater, Beacon cannot secure the necessary construction, plant, process, mirror washing and drinking water required by the Beacon project, (e) the proposed Beacon solution to import non-potable water or to shift to dry cooling is not feasible or reliable. Thus, the record thus far supports CEC staff recommendations that the Beacon project will: (a) adversely impact those environmentally sensitive values and (b) will not be a "reliable" source of solar electrical energy.

Envirowater has offered to provide Beacon economically and environmentally sound feasible and reliable: (a) non-potable construction, plant, process and mirror washing water, (b) potable drinking water, (c) "mitigation lands" for remediation and resolution of the environmental impacts for Beacon, and (d) to solve the mineral and water rights reservation issues. The full cooperation of Envirowater, Arciero and Rudnick families is required for Beacon to be environmentally sound, reliable and feasible. Envirowater will insure that the mitigation lands are fully entitled and approved by all stakeholder groups.

Sincerely,



John Musick

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